

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARC W. WEINSTEIN,

Plaintiff,

-against-

CIVIL ACTION NO.

14-CV-07210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police
Comissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of
Department, Nassau County Police
Department,**

**DANIEL P. FLANAGAN, Commanding
Officer, First Precinct, Nassau County Police
Department,**

**JAMES B. MALONE, Police Officer, First
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and
Investigator, Nassau County Police
Department, Pistol License Section,**

**NASSAU COUNTY POLICE
DEPARTMENT,**

and

COUNTY OF NASSAU

Defendants

**DECLARATION IN
SUPPORT OF
DEFENDANTS' CROSS-
MOTION FOR
SUMMARY JUDGMENT,
AND IN OPPOSITION TO
PLAINTIFF'S MOTION
FOR SUMMARY
JUDGMENT**

RALPH J. REISSMAN, an attorney duly admitted to practice in the United States District Court for the Eastern District of New York, certifies the following to be true under the penalty of perjury:

1. I am a Deputy County Attorney in office of Jared Kasschau, Acting Nassau County Attorney, attorney for defendants, County of Nassau, Thomas C. Krumpter, Steven E. Skrynecki, Daniel P. Flanagan, James B. Malone, Paul Cappy and Nassau County Police Department.

2. I submit this Declaration in opposition to the motion for summary judgment of plaintiff Marc Weinstein, and in support of defendants' cross-motion for summary judgment to dismiss the Complaint in its entirety.

3. The purpose of this Declaration is to set forth the exhibits utilized and described in defendants' Statement of Undisputed Facts pursuant to Local Rule 56.1, and also in defendants' Memorandum of Law submitted in opposition to plaintiff's motion for summary judgment, and in support of defendants' cross-motion for summary judgment.

The exhibits are listed as follows:

EXHIBIT	DESCRIPTION
A	Transcript of deposition of Marc Weinstein conducted March 22, 2016
B	Transcript of deposition of Zoila Watson-Weinstein conducted March 25, 2016
C	Transcript of deposition of Abraham Weinstein conducted March 22, 2016
D	Transcript of deposition of James Malone conducted March 11, 2016
E	New York State Domestic Incident Report, including sworn written statements of Abraham and Zoila dated February 25, 2014.

F	Case Summary Report No. 2014CR307002 documenting the incident on February 25, 2014
G	Property and Evidence Voucher dated February 25, 2014
H	Nassau County Police Department Procedure OPS 10023, “Removal and Disposition of Weapons – Domestic Incidents / Threats to Public Safety”
I	Transcript of Deposition of Paul Cappy conducted April 12, 2016
J	Nassau County Police Department Pistol License Information Handbook revised September 2012, page 7
K	Nassau County Police Department Pistol License Information Handbook revised May 21, 2015
L	March 3, 2014 letter from Deputy Inspector Robert Musetich to plaintiff Marc Weinstein
M	March 3, 2014 letter from plaintiff Marc Weinstein to Commanding Officer of First Precinct
N	Transcript of deposition of John Gisondi conducted March 7, 2016
O	January 15, 2015 letter from John Gisondi to plaintiff Marc Weinstein with blank Long Gun Review Record form PDCN 173
P	January 27, 2015 letter from Robert T. Bean to John Gisondi with completed PDCN Form 173
Q	February 6, 2015 letter from John Gisondi to plaintiff Marc Weinstein
R	Sworn statements of Zoila (February 17, 2015) Abraham (February 17, 2015) and Zhanna Weinstein (February 18, 2015) stating no objection to the Police Department returning plaintiff’s firearms to him
S	Domestic Gun Return Checklist
T	February 25, 2015 Memorandum from John Gisondi to Patrol Division Domestic Liaison Coordinator
U	January 28, 2015 Memorandum from Lt. Marc Timpano to Chief of Department

V	Nassau County Police Department Pistol License Section chronology of plaintiff Marc Weinstein's ownership of handguns, confiscation and return of handguns on February 6, 2015
W	Nassau County Police Department Property Disposition Form dated February 25, 2015
X	Nassau County Police Department Property Section "Release Receipt" of release of plaintiff's thirty-nine (39) longarms on March 13, 2015
Y	Plaintiff's Second Amended Complaint filed April 11, 2015
Z	Defendants' Answer to plaintiff's Second Amended Complaint dated May 1, 2015
AA	Memorandum of Decision and Order of Hon. Arthur D. Spatt filed August 17, 2015

Dated: Mineola, New York
March 8, 2018

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney